

**Minutes of the Regular Meeting Of The
New Jersey Maritime Pilot and Docking Commission
December 22, 2015**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, December 22, 2015 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:07 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (absent); Commissioner Jacob Shisha (present); Commissioner Charles Wowkanech (present).

Michael Collins, Esq. from the Governor's Authorities Unit participated via teleconference.

Approval of the November 10, 2015 Meeting Minutes

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to approve the minutes of the November 10, 2015 meeting minutes. All voted in favor.

Resolution #15-36 to approve the December 2015 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to pass Resolution #15-36 to approve the December 2015 Treasurers Report. All voted in favor.

Executive Director's Report

- A. Bayonne Bridge Issue - Ms. Stuckey provided an update to last month's meeting regarding the issue with the safety netting under the Bayonne Bridge. The instability of the weather causes the netting to loosen making it hang lower than it should. This issue has caused two bridge strikes in the past month. Ms. Stuckey reported that on December 16th another bridge strike occurred. The Coast Guard had the pilot anchor the ship and boarded the vessel to question the pilot. Ms. Stuckey has been advised that the Coast

Guard is going to make it a practice of boarding and interviewing all pilots on vessels that experience a bridge strike. On inbound vessels, they plan to board the vessel at berth, and on outbound vessels they plan to have them anchor until they can complete their interviews. The Coast Guard is implementing this practice because the Master accused the pilot of being "off center". In the past, the Coast Guard would always contact Ms. Stuckey before conducting any interviews. It is unnecessary to hold the vessel up causing possible delays due to improper maintenance of the netting. The Commission has never had a pilot strike a bridge because of negligence. 100% of the incidents are either a result of an incorrect pilot card or incorrect air draft information. Ms. Stuckey plans to take a delegation of pilots with her to meet with the new head of investigations in January to discuss this issue further.

Commissioner Dacey stated the Governor's Authority Unit should get involved with that since the Port Authority is responsible for the placing of the netting.

- B. Sandy Hook Apprentice Training Report - The Commissioners were provided with copies of the Sandy Hook Apprentice Training Report. Ms. Stuckey advised that Apprentice Mark Wanderer sat for his state licensing exam the week of December 7th and passed with high marks. There is a resolution on today's agenda for the Commission to approve his state license. Upon the Commission's approval, he will appear at the January Meeting to be sworn in and receive his Deputy Pilot license with credentials. The next apprentice to sit for their exam is Apprentice Ryan Pakalik in October 2016. Ms. Stuckey plans to meet with Commander Jack Olthius and the New York Commission's Executive Director Frank Keane to make updates to the test before then.
- C. Hudson River Update - Since the Commission's last meeting Captain Leonard Evans performed one transport job on the Hudson River.
- D. Consultant Update - Ms. Stuckey has been working with DAG Kahler on the contract for the consultant to update the docking pilot test. The contract should be completed in January. If so, Ms. Stuckey will have the consultant attend the January meeting to answer any questions the Commissioners may have.

E. FY 2015 Audit - Ms. Stuckey anticipated to have the audit ready for the Commissioner's review and approval for today's meeting, but the auditor is still waiting on financial information from Trenton. Ms. Stuckey has been assured that the audit will be complete by the Commission's January Meeting.

F. Ethics Training - Ms. Stuckey thanked all the Commissioners for completing the mandatory online ethic training before the deadline date.

Commissioner Dacey asked that going forward the Commission be given a reasonable amount of time to complete the training. This year they were only left with a couple of days to complete the training.

Mike Collins mentioned he would alert his supervisors of the time constraints the Commission faced this year and would relay the request for a sufficient amount of time to complete the training.

G. Staff Meeting with the Investigators - Ms. Stuckey held a quarterly teleconference staff meeting with the investigators on November 12th. She discussed any issues the investigators had with the process and experiences with their investigations. The investigators have been advised that their presence will be expected at the Commission's Board Meetings for any extensive reports. Ms. Stuckey advised she will continue to handle the reports of routine bridge strikes and power losses. Ms. Stuckey also discussed getting Captain Tina Vanderploeg and Captain Glenn Strathearn more involved. Ms. Stuckey was happy to report that Captain Tina Vanderploeg would be reporting on two cases at today's meeting. Ms. Stuckey also shared some recommendations that the investigators offered to improve the marine occurrence report form. Copies of the revised form was provided in the Commissioner's folders.

H. Update on Simulator re: ULCV - Ms. Stuckey reported that the grant request has been approved and NYSA will receive the funds and manage the training.

I. NTSB Study of the effectiveness of VTS - Ms. Stuckey provided the Commissioners with a copy of a letter she sent to NTSB on behalf of the Commission. Also the Harbor Ops Committee asked their members to forward their comments to

Commander Olthius and they were submitted to NTSB as a group.

- J. Carteret Marina - The Commissioners were given a copy of a press release from the Mayor of Carteret stating the permit to build the public marina was approved. The Harbor Ops Steering Committee will send a letter to them reiterating their objections and safety concerns. There were talks about them having the tenants sign a statement indicating that they are aware of the possibility of surge and wake coming from passing commercial vessels.
- K. Panama Canal - Ms. Stuckey shared an article from the Maritime Executive regarding the Panama Canal. The opening of the new locks has been delayed because of cracks found in the pacific-side locks. The head of the Panama Canal Authority is stating that the repairs should be completed by mid-January. Ms. Stuckey pointed out that further down in the article the contractor suggests that the delays are due to the PC Authority continually making late payments on the contract.
- L. Harbor Ops Meeting - The Coast Guard met with the America's Cup Race Committee regarding the potential for the race to take place in the New York Harbor. There is no written proposal, the committee is reaching out and talking to people at this point. The race would be a great event for the city.

The Port Authority reported that funding has been added to the dredging contracts budgets to enable the maintenance dredging at Port Newark Pierhead channel to be completed.

The Army Corp reported that NYC DEP approved the permits to do the harbor deepening work in the kills. The dredging will begin around February 18, 2016 outside of the siphon area and the old siphon should be abandoned and the project completed by March 2016.

The maintenance dredging in Port Newark and Brooklyn are done for the year.

During the removal of the old sections of the Bayonne Bridge, the channel will be subject to partial closures. They are also going to de-led the steel before removing it which will further reduce the air gap clearance by another 3 feet. A committee will be put together to work with

contractors to ensure that the closure does not affect commercial traffic.

They are currently four ongoing maintenance contracts that are expected to be completed by the end of the year/early 2016: Newark Bay Pierhead (mid-January), Sandy Hook Channel (December), Buttermilk (November), and Flushing Bay (December).

The Coast Guard has updated their physical form. However some pertinent information was mistakenly deleted during their final approval. The Coast Guard advised that they are correcting the errors and suggest that mariners continue to use the old form until the end of the year.

Ms. Stuckey also attended the Harbor Ops Steering Committee meeting.

The NYC Office of Management and Budget gave a presentation on an East Side Coastal Resiliency Project. A copy of the presentation was provided to the Commissioners. The project addresses ways to prepare for floods.

After the meeting, Ms. Stuckey attended their Annual Luncheon. Ms. Lucy Ambrosino was honored at the luncheon. Ms. Stuckey presented her with a copy of Commission Resolution #15-34 in the form a plaque. Ms. Ambrosino appreciated the plaque and asked Ms. Stuckey for an electronic copy to share with her supervisor at the Port Authority.

M. Port Packing Day - Ms. Stuckey attended the Port Packing Day at the Seamen's Church Institute on November 19, 2015. She met with the Executive Director Stephen Lyman. He is interested in finding ways to get the pilots more involved in the work that they do. She recommended that he reach out to the individual pilot association presidents.

N. Port Authority Annual Briefing - Ms. Stuckey attended the Port Authority's Annual Briefing on December 3, 2015. There were no new issues discussed, but Ms. Stuckey will have Beth Rooney attend a future meeting to provide an update on the initiatives taken by the Council on Port Performance.

O. Vacation Schedules

Ms. Stuckey will begin her vacation December 24th. She will return to the office after the New Year. Ms. Stuckey will check her e-mail and office phone daily. She will also be accessible via cell phone.

Ms. Montilus will be taking vacation Christmas Eve and New Year's Eve. The office will be closed on both of those days.

Resolution #15-37 Approval of the Issuance of a Deputy Maritime Pilot License to Mark Wanderer

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to pass Resolution #15-37 to approve the issuance of a Deputy Maritime Pilot License to Captain Mark Wanderer. All voted in favor.

Public Comment(s)

Comment from Captain Richard Schoenlank, President Sandy Hook Pilots Association:

Captain Schoenlank clarified that closures for the Bayonne Bridge to remove the existing roadway will be a one day, eight hour closure, every two weeks.

The NYDEP approved the environmental waiver for the Water Siphon project. The 50 ft. deepening project should be completed by the end of March/beginning of April.

While the surveys were being done for maintenance dredging in the Sandy Hook Channel, the surveyors inspected the wreck that went down at the tip of the channel. The inspections revealed there was at least 15 ft. of water over the wreck. This allows more than enough clearance for the pilots to safely navigate over the wreck. The pilots have asked the Coast Guard to replace the #14 buoy which was moved to mark the location of the wreck.

The ULV simulation project has been given the green light. The final step is to have it approved by the Port Authority Board. Captain Schoenlank will keep the Commission updated as the process evolves. The training will be completed in 2016.

Captain Richard Seeth will retire as a Maritime Pilot effective December 31, 2015.

Captain Schoenlank wished the Commission a Merry Christmas.

Comment from Captain Robert Flannery, Jr., President Metro Pilots Association:

Captain Flannery gave the Commissioners his thoughts regarding the current Bayonne Bridge netting issue. The netting has been hit twice by the same company. The Coast Guard believes the pilots should be more careful. Captain Flannery pointed out that vessel owners often get fined for hitting the bridge when the pilot cards are incorrect, and the Port Authority should get fined when the netting is lower than it should be. Captain Flannery stated there is nothing a pilot can do if there is something hanging off of the bridge, and the interviews by the Coast Guard will only hold up pilots from their other jobs. He feels it is an unfair practice.

Captain Flannery also reported that there is not enough money to complete the Port Newark dredging. The Army Corp. wanted to do the dredging in sporadic sections. Captain Flannery advised that it is not safe to dredge in this manner. The pilots will sit down and discuss this issue with them.

Commissioner Shisha asked Captain Flannery how are diesel vessels supposed to maneuver around Carteret Marina if they are unable to go less than eight knots.

Captain Flannery advised this has been a ten year issue, and pilots cannot change their speed to service the marina.

Ms. Stuckey alerted the Commissioners that she has a video that she can share that shows a non-factual study that was done in regards to vessel traffic around the new marina site. In the video, the vessel was going extremely slow and there were no surge issues.

Captain Flannery mentioned there were two studies done in possible surge and wake issues at the proposed site of the marina. One paid for that was favorable and one not paid for that was obviously unfavorable.

Committee Report

A. Pension Surcharge Committee:

- I. Commissioner Shisha reported that the Committee approved an increase of 7% as of July 1st. The committee is monitoring the increase. They were originally supposed to meet this month for a meeting, but were advised by the actuary that everything was on track. A copy of the letter from the actuary was provided to the Commissioners. The next meeting is scheduled to take place on March 22, 2016.

B. Investigation Committee:

- I. **M/V Portugal** - July 25, 2015. Captain Tina Vanderploeg provided the Commission with a summary of the incident. Ms. Stuckey recommended that the Commission find no fault on the part of the docking pilot, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent. A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to accept the recommendations. All voted in favor.
- II. **Grey Shark** - July 28, 2015. Captain Tina Vanderploeg provided the Commission with a summary of the incident. Ms. Stuckey recommended that the Commission find no fault on the part of the docking pilot, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent. A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to accept the recommendations. All voted in favor.
- III. **Lena S** - August 25, 2015. See below.
- IV. **Bow Clipper** - October 8, 2015. See below.
- V. **Albert Maersk** - October 26, 2015. See below.
- VI. **Orange Star** - October 26, 2015. See below.
- VII. **Hansa Freyburg** - October 29, 2015. See below.
- VIII. **CMA CGM Corneille** - November 10, 2015. See below.
- IX. **Ever Unity** - November 24, 2015. See below.
- X. **Ever Legend** - November 25, 2015. See below.

Ms. Stuckey recommended that in the interest of time that she go through each case and the Commission pass a blanket resolution if they agree with her recommendations. In the case of the power losses regarding the: Lena S, Bow Clipper, Orange Star, Hansa Freyburg, Ever Unity, and Ever Legend, Ms. Stuckey recommended that each file be closed and the Commission find no fault on the part of any of the pilots involved. A motion was made by Commissioner Shisha

and seconded by Commissioner Wowkanech to accept the recommendations. All voted in favor.

In the case of the bridge strikes regarding the: Albert Maersk and CMA CGM Corneille, Ms. Stuckey recommended that each file be closed and the Commission find no fault on the part of any of the pilots involved. A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to accept the recommendations. All voted in favor.

Ms. Stuckey was happy to report that outside of two cases received this week, the Commission will be starting the New Year with the investigation of all previous occurrences closed. She thanked the investigators for their hard work.

Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:58 AM.

Return to Public Session

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 11:33 AM.

Resolution #15-38 to Approve the Request to Upgrade Captain
Coleen M. Quinn to a Full Branch Pilot

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to approve the Resolution #15-38 to upgrade Captain Coleen M. Quinn to a Full Branch Pilot. All voted in favor.

Adjournment

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 11:38 AM.